

**REMARKS**

Applicant has thoroughly considered the Examiner's remarks in the July 28, 2004 Office action and presents claims 1-13, 15-37, 47, 48, 50, and 55-58 for further examination. Applicant respectfully acknowledges the Examiner's indication that claims 14 and 15 include allowable subject matter. Applicant has canceled claim 14 and has amended claims 1, 18, 28, 47, and 55 in this Amendment C. Applicant respectfully requests reconsideration of the application claims as amended and in view of the following remarks. The following remarks will follow the sequence of the Office action.

**Response to Claim Rejection under 35 U.S.C. § 103(a)**

Claims 1-13 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergsman et al. (U.S. Patent No. 5,568,539) in view of Picard et al. (U.S. Patent No. 6,233,318) and in further view of Groner (U.S. Patent No. 6,507,643). Claims 18-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergsman et al. in view of Sagi et al. (U.S. Patent Application No. 2003/0087632). Claims 25, 26, 28-37, 47, 48, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergsman et al. in view of Sagi et al. and in further view of Picard et al. Claims 55-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergsman et al. in view of Picard et al.

Applicant has amended claims 1, 18, 28, 47, and 55 to recite the allowable subject matter of claim 14. In particular, claims 1, 18, 28, 47, and 55 now recite ***determining whether a recipient of a voice/audio message has a presence on a widely distributed computer network at a particular time and, if so, contemporaneously sending a pop-up text message to the recipient to notify the recipient of the voice/audio message.*** As amended, claims 1, 18, 28, 47, and 55 do not present any new issues and are in condition for allowance for the same reasons that claim 14 has been allowed.

Claims 2-13 and 15-17 depend from claim 1, claims 19-27 depend from claim 18, claims 29-37 depend from claim 28, claims 48 and 50 depend from claim 47, and claims 56-58 depend from claim 55. These claims are believed to be allowable over the cited art for at least the same reasons that claims 1, 18, 28, 47, and 55 are allowable over such art.

Claim 14 has been canceled by this Amendment C.

### Conclusion

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. Bain". The signature is fluid and cursive, with the first name "Robert" and last name "Bain" clearly distinguishable.

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